



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/785,010	02/16/2001	James McCoy	A0647-991100	4071

26379 7590 05/16/2005

DLA PIPER RUDNICK GRAY CARY US, LLP
2000 UNIVERSITY AVENUE
E. PALO ALTO, CA 94303-2248

EXAMINER

HAYES, JOHN W

ART UNIT	PAPER NUMBER
----------	--------------

3621

DATE MAILED: 05/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/785,010	Applicant(s) MCCOY ET AL.	
	Examiner John W Hayes	Art Unit 3621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 February 2005.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-76 is/are pending in the application.
4a) Of the above claim(s) 1-21 and 39-76 is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 22-38 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 08 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 3621

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of Group 2, claims 22-38 in the response filed 03 February 2005 is acknowledged.
2. Claims 1-21 and 39-76 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the response filed 03 February 2005.
3. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a petition under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 22-38 is rejected under 35 U.S.C. 102(e) as being anticipated by Saylor et al, U.S. Patent No. 6,888,929 B1.

As per **Claims 22-23 and 27**, Saylor et al disclose a distributed system for publishing and retrieving content in a network, comprising:

Art Unit: 3621

- a plurality of computer systems connected together in a peer-to-peer fashion and having characterized network resources that can be contributed to the network in return for a predetermined amount of credits that are accumulated by those computer systems contributing resources to the network such that the computer systems can exchange the credits for performing interactions across the network (Figures 1-2, 14B and 15; Col. 4, lines 50-55; Col. 5, lines 57-67; Col. 6, lines 8-22; Col. 6 line 60-Col. 7 line 10; Col. 7, lines 33-36; Col. 9, lines 23-28; Col. 11, lines 58-65; Col. 34, lines 17-37; Col. 35 line 19-Col. 36 line 9); and

- one or more agent applications associated with the computer systems for allowing the computer systems to publish and retrieve content from the network by initiating the peer-to-peer interactions across the network between the agent applications (Col. 5, lines 57-67; Col. 6 line 60-Col. 7 line 10; Col. 9, lines 23-28; Col. 14, lines 25-41; Col. 20, lines 10-21).

As per **Claim 24**, Saylor et al further disclose wherein each interaction across the network involves a transaction cost (Col. 5, lines 57-67; Col. 6, lines 8-22; Col. 6 line 60-Col. 7 line 10; Col. 7, lines 33-36; Col. 9, lines 23-28; Col. 11, lines 58-65; Col. 34, lines 17-37; Col. 35 line 19-Col. 36 line 9).

As per **Claim 25**, Saylor et al further disclose a credit server for maintaining a database of previously used credits and for authorizing a valid credit transaction between interacting agent applications within the network (Col. 11, lines 58-65; Col. 14, lines 30-42).

As per **Claims 26 and 30-32**, Saylor et al further disclose wherein the agent applications comprise one or more client agent applications for enabling the computing systems access and interact with the agent applications in the network (Figure 1), one or more broker agent applications for performing brokering transactions between the agent applications in the network (Figure 1, VNAP; Col. 5, lines 57-67; Col. 7, lines 5-10), one or more tracker agent applications for providing a listing of available resources within the network (Figure 1, VNAP DB; Col. 12, lines 19-45; Col. 14, lines 21-33), one or more reputation agent applications for tracking the reputations of the computer systems in the network (Col. 11,

Art Unit: 3621

lines 5-13; Col. 14, lines 34-41), and one or more payment agent applications for validating credit transactions within the network (Col. 15 line 58-Col. 16 line 9; Col. 16, lines 30-56).

As per **Claims 28-29 and 33-37**, Saylor et al further disclose wherein the one or more tracker agent applications include one or more metatracker agent applications for maintaining the network location of the one or more active broker agent applications and a listing of the associated resources that those active broker agent applications broker within the network (Figures 2-3; Col. 3, lines 55-61; Col. 11, lines 62-67; Col. 14, lines 25-30 and 48-55), one or more content tracker agent applications for storing dinodes to locate data blocks constituting a published data file on the network (Col. 5, lines 20-25; Col. 10, lines 50-60; Col. 14, lines 25-30; Col. 14, lines 48-60), and one or more publication tracker agent applications for recording storage locations on particular computing systems where the data blocks are stored (Col. 5, lines 20-25; Col. 10, lines 50-60; Col. 14, lines 48-60).

As per **Claim 38**, Saylor et al further disclose wherein the system uses a protocol for transmitting messages between the agents, the protocol including a transport layer for moving secure data between the agents, an encryption and authentication layer for encrypting and decrypting the data, a conversation layer for associating initiating messages with their responding messages counterparts, and a transaction layer for enabling the interactions between the agents in the network (Col. 8, lines 18-58; Col. 10, lines 10-18; Col. 11, lines 24-47; Col. 17, lines 15-39; Col. 20, lines 34-58; Col. 29 line 60-Col. 30 line 5).

Conclusion

6. **Examiner's Note:** Examiner has cited particular columns and line numbers in the references as applied to the claims below for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested that the applicant, in preparing the responses, fully consider the references in entirety as potentially teaching all or part of the

Art Unit: 3621

claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- DiGiorgio et al disclose a distributed budgeting and accounting system with secure token device access and teach the use of these funds to pay for the use of resources.
- Cohen et al disclose a compensation driven network based exchange system and teach compensating users in exchange for work undertaken.

Art Unit: 3621

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Hayes whose telephone number is (571)272-6708. The examiner can normally be reached Monday through Friday from 5:30 to 3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jim Trammell, can be reached on (571)272-6712.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://portal.uspto.gov/external/portal/pair> . Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Please address mail to be delivered by the United States Postal Service (USPS) as follows:

Commissioner of Patents and Trademarks

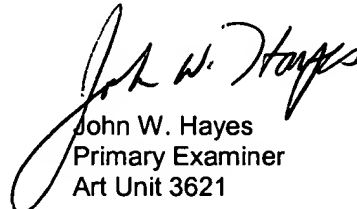
Washington, D.C. 20231

or faxed to:

(703) 872-9306 [Official communications; including
After Final communications labeled
"Box AF"]

(571) 273-6708 [Informal/Draft communications, labeled
"PROPOSED" or "DRAFT"]

Hand delivered responses should be brought to the Customer Service Window, Randolph Building, 401 Dulany Street, Alexandria, VA 22314.


John W. Hayes
Primary Examiner
Art Unit 3621

May 11, 2005